

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CARLOS MANZANET,)
Petitioner,)
v.) C.A. No. 08-310 Erie
HOWARD J.R. REILY, et al,)
Respondents.)

MEMORANDUM ORDER

This petition for writ of habeas corpus was received by the Clerk of Court on November 10, 2008, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's report and recommendation, filed on January 30, 2009, recommended that the petition for writ of habeas corpus be dismissed for failure to prosecute. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Petitioner by certified mail at SCI Albion, where he is incarcerated. No objections were filed. After de novo review of the petition and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 19th Day of March, 2009;

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is DISMISSED for failure to prosecute.

The report and recommendation of Magistrate Judge Baxter, dated January 30, 2009, is adopted as the opinion of the court.


MAURICE B. COHILL, JR.
United States District Judge

cc: Susan Paradise Baxter
U.S. Magistrate Judge

all parties of record _____